

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of The Commission,) Application No. C-3026
on its own motion, seeking to)
conduct a 9-month proceeding as)
contemplated by the Federal Com-) ORDER OPENING 9-MONTH
munications Commission in its) PROCEEDING
Triennial Review order adopting)
new rules for network unbundling)
obligations.) Entered: October 7, 2003

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On February 20, 2003, the Federal Communications Commission (FCC) announced that it was adopting rules in its Triennial Review proceeding that will impact how incumbent local exchange carriers (ILECs) meet their statutory obligations to make unbundled network elements (UNEs) available to competitive local exchange companies (CLECs).

Although the FCC's written order memorializing its decisions (FCC 03-36, Triennial Review Order, or FCC Order¹) was not released until August 21, 2003, key findings were announced in a press release on February 20, 2003. The FCC Order was officially published in the Federal Register on September 2, 2003, to be effective on October 3, 2003.

While the Commission has opened a separate docket to address the 90-day proceeding contemplated in the FCC Order, the Commission is of the opinion and finds that a separate docket is warranted to conduct the 9-month proceeding and other issues addressed within the FCC's Triennial Review Order.

In an effort to timely and efficiently commence such a docket, the Commission hereby schedules a planning conference for October 23, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln, Nebraska. All interested parties are encouraged to attend. In an effort to accommodate as many parties as possible, a teleconference bridge will be available by calling (402) 472-6292.

¹ *Review of the Section 251 Unbundling obligation of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provision of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunication Capability*, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (rel. Aug. 21, 2003).

Issues that will be discussed include, but are not limited to, scheduling, discovery, market definition, briefing, testimony, hearings, participation levels, confidentiality concerns and dispute resolution. Parties desiring additional topics to be specifically addressed should forward those issues to Chris A. Post, Commission Legal Counsel, by October 20, 2003.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a 9-month proceeding should be opened for the purposes set forth above.

IT IS FURTHER ORDERED that the Commission will conduct a planning conference on October 23, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln, Nebraska. All interested parties are encouraged to attend or participate via teleconference.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of October, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director